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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 299TH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 May 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of China (CRC/C/11/Add.7; CRC/C.12/WP.5; HRI/CORE/1/Add.21) (continued)

1. Ms. ZHANG Honghong (China) said, in reply to Ms. Santos Pais' oral question at the previous meeting, that the difference in the marriageable a for men and women - respectively 22 and 20 - did not in any sense imply discrimination against girls; it merely reflected Chinese tradition.

2. Mr. WU Jianmin (China), providing answers to questions on the list of issues (CRC/C.12/WP.5) drawn up by the Committee in connection with the consideration of his country's report, said that as to whether procedures h been established to monitor tendencies of discrimination against children, State Council Committee on Women and Children carried out regular inspecti of institutions and workplaces to check that the law was implemented. As t the question whether disaggregated statistical data were collected, he sai that such work was done by legislative bodies and non-governmental organizations; members of the State Council Committee also exchanged information. The task was complicated, however, by the country's size, th variation in numbers of children in different regions and the varying statistical methods in use. It was therefore difficult to obtain reliable disaggregated data.

3. With regard to the steps taken to prevent and eliminate discriminator attitudes, particularly towards girls and disabled children, he said that article 48 of the Constitution guaranteed the equality of men and women. Following China's accession to the Convention, a law had been introduced obliging parents to provide girls of school age with compulsory education. The law also contained measures to counter the practical difficulties face girls, including the article under which it was forbidden to drown, abando injure girl infants. Disabled children were covered by the Protection of Disabled Act. Successive five-year plans ensured that programmes for the disabled were implemented. Various programmes on national television and radio catered specifically for disabled people, but such programmes were a popular with the general public, which ensured the protection of disabled people, including children.

4. As well as the Spring Buds Scheme for girls who dropped out of school Project Hope, for drop-outs of either sex, the Government promoted the You Pioneers programme, under which children were encouraged to help disabled people, thus gaining an insight into and compassion for their disabilities. Children whose mental abilities were unimpaired received a normal educatio the expenses being borne by the State. Deaf and blind children had their special schools. Orphans received vocational training. Girls in orphanag received special attention: staff members showed them maternal affection taught them dancing, singing and hygiene. When conditions permitted, they were also taught professional skills to help them find employment.

5. Turning to the question regarding measures taken to combat discrimination against girls based on cultural practices, attitudes, prejudices or traditions persisting in rural areas, he reminded the Committee that China had a feudal history going back 2,000 years. It was incontrovertible that in rural areas the tendency to prefer boys to girls persisted. If parents had a son and a daughter they were likely to want the boy to go to school and the girl to stay and work at home. The Government took a pragmatic line, pursuing various policies to promote equality and encourage parents to educate their daughters. The problem should, however, be seen in perspective. In 1949 only 15 per cent of girls had attended primary school. By 1995 that proportion had risen to 99.2 per cent, only marginally smaller than the proportion of boys. Various measures were used to coax back the remaining 0.8 per cent. Parents might be given financial assistance to enable their daughters to go to school and, in those areas where children illegally entered the labour force, the mass media publicized the laws prohibiting the use of child labour. Enterprises were monitored by both the Government and ordinary citizens to make sure that children were not employed. The Spring Buds Scheme had also proved its worth: in 1994-1995 100,000 girls had been helped to return to school. Project Hope, too, had played its part in encouraging children from poor areas to continue with their schooling; some donations to the project were earmarked for girls. With the general rise in living standards in China, however, prejudices against girls were disappearing.

6. With regard to discrimination against children belonging to minorities, he said that all ethnic groups were equal before the law and the Government attached great importance to racial equality and autonomy for minorities, to ensure the prosperity of all. No suppression of ethnic groups existed, but behaviour aimed at or disuniting the nation was prohibited. Minorities were helped with economic and cultural programmes and, indeed, received preferential treatment in the provision of education under article 12 of the Compulsory Education Act. Autonomous regions were given financial assistance and boarding schools were provided when needed, for example for the children of nomadic herdsmen. China's 56 nationalities and ethnic groups - the biggest being the Han, accounting for some 93 per cent of the population - had coexisted for 5,000 years; they should continue to do so, for the sake of the unity of the nation.

7. With regard to the evaluation of the manner in which the principle of the "best interests of the child" had been taken into account in legal and administrative proceedings, he said that the State Council maintained a constant supervision of the situation. Its members exchanged information and it regularly assessed the progress of the Programme Outline for the development of China's children in the 1990s. On that basis it corrected mistakes and malpractices. It kept a particularly close eye on trials in juvenile courts. Supervision was also exercised by deputies of the National People's Congress as part of their work for the Government. Private citizens could write to the press about the work of the Government and if they encountered a violation of the law they could write to the judicial organs. Many such letters were received. Television also played an important role in bringing topics of popular concern to public attention. A recent programme had dealt with the possible dangers of the Internet, which, along with its

benefits, could introduce children to pornography and in some cases turn them to a life of crime. Control over magazines that might be harmful to children was also maintained.

8. With regard to reports concerning the controversy surrounding recognition of the Panchen Lama, he said that the Tenth Panchen Lama had passed away on 28 January 1989. Three days later, the State council had made a decision concerning the funeral and reincarnation of the Tenth Panchen Lama. He stressed that his Government respected the religious beliefs and sentiments of the broad masses of believers in Tibet.

9. Some media accused China of violating human rights in Tibet and some people believed that the Dalai Lama was a standard-bearer for human rights. They did not understand the history of Tibet when they accused China. Tibet had become part of Chinese territory in the thirteenth century. Before 1959, the Dalai Lama had preserved a system of serfdom which was even more cruel than that existing during the Middle Ages in Europe and the slavery system in the United States. Under the serfdom system, 95 per cent of Tibetans had been serfs and had been regarded by their masters as animals. In 1959, the Dalai Lama had launched a rebellion in Tibet because he had wanted to retain the system of serfdom. That rebellion had failed.

10. In 1959, the Chinese Government had carried out democratic reform in Tibet, which had resulted in the elimination of the serfdom system. One million serfs had become citizens of the People's Republic of China enjoying the guarantees afforded by China's Constitution and laws. The Dalai Lama had spread many rumours and lies about alleged Chinese persecution of Tibetans. Before 1959, the population of Tibet had been 1 million. At present, it was 2.3 million and life expectancy had increased from 35 years before 1959 to 66. The Chinese Government was a victim of lies and disinformation and the true situation in Tibet was rarely reported.

11. With regard to child health and nutrition, he said that China had adopted a three-tier system to provide health care and vaccinations for children. It had also launched a campaign to set up children's hospitals. At the end of 1995, there were nearly 2,000 infant hospitals in China. His Government attached great importance to improving conditions in children's hospitals. Furthermore, it had recognized the importance of breast-feeding and was seeking to popularize that method.

12. Cases involving the abandonment and/or the killing of girl children were rare in China. There might be individual cases of parents abandoning disabled children or a girl child for financial or other reasons, but it did not constitute a widespread problem. Chinese legislation strictly prohibited such practices and the courts would strictly apply the provisions of criminal law and the law on the protection of minors in such cases. From 1990 to 1995, as part of the second five-year plan to popularize the knowledge of law, the State had used the mass media to disseminate information concerning the protection and legitimate rights of children and women.

13. All children whether born in or out of wedlock were entitled to have their names registered. The parent of the baby or the guardian must apply for registration with the relevant authority.

14. With regard to the dissemination of information, he said that his Government had adopted a series of measures to ensure wide distribution of children's books and mass media programmes. Children's books were also published in various languages of minority ethnic groups to ensure that the need of children in those groups for knowledge and implementation would be fully met. Furthermore, the Government had authorized publishing houses to offer free books to deprived children.

15. His Government had been trying to organize children to take part in international exchanges and to broaden the channels of information. The State Education Commission organized children's essay competitions and children were asked to offer their own suggestions for dealing with world problems.

16. Respect for and protection of religious beliefs constituted a basic policy of the Chinese Government. Under article 36 of the Constitution, citizens of the People's Republic of China enjoyed freedom of religious belief. No State organ, social organization or individual could force citizens to practise a particular religion or discriminate between believers and non-believers. In Tibet, the Chinese Government's policy had always been to encourage freedom of religious belief. Following the peaceful liberation of Tibet, the various bodies there had implemented that policy which had been widely acclaimed by both believers and non-believers including the monastic community. Over the past decade, the central Government had earmarked funds to restore some religious monasteries in Tibet.

17. Mr. HAMMARBERG said it was clear that important laws had been enacted to protect the rights of the child in China, but the question was whether those laws were being fully implemented. It was important to evaluate how the principle of the best interests of the child was being put into practice. There was also a problem in a country as vast as China in ensuring that all children enjoyed the same rights. There was a possibility, for example, that children might suffer from discrimination in health care if they lived in a rural rather than an urban area. He noted that infant mortality was in some places five times higher than the lowest rate. Similarly, discrimination affecting members of minorities or those in remote areas could lead to widely differing standards of health. Even the attempt to provide education in the language of the minority, as in the case of Tibet, could disadvantage children when they were later required to pursue their studies in another language. He asked what measures China intended to take to rectify such discrepancies while respecting the integrity of minorities.

18. China had passed important legislation to address the problem of gender discrimination, but the distorted gender ratio was alarming, and had to be seen against a background of late abortions, the abandonment of infants and possible infanticide. More forceful efforts were required of the Government in implementing the law. In the same way, the trafficking and kidnapping of children and the arranging of marriages were illegal, but he wondered if the Government was doing enough to enforce the legislation. He would like to have more facts about the missing children, presumably girls, mentioned in paragraph 262 of the report to get a clearer idea of the scope of the problem. He sought clarification on the difference between birth registration and residential registration: were some children, especially girls, not being registered?

19. The report mentioned that only in the most serious cases of abducti kidnapping of children was a prosecution brought; he felt that such case should always be prosecuted.

20. China had made remarkable progress in the area of education, but ge differences in the number of drop-outs (75 per cent of whom were girls according to UNICEF figures) and in the number of 7 to 11 year olds not school (70 per cent of whom were girls) needed to be addressed. He aske there was discrimination against girls in schools of a more technical na where it appeared to be more difficult for girls to gain entry. In the of deep-seated traditional practices and values, concerted Government ac was needed.

21. Positive steps had been taken by the Chinese Government to protect rights of disabled children, but information from various other sources suggested that some disabled children were being abandoned as a result o prejudice in Chinese society, and the conditions in which some of those survived were found gave rise to concern. There were various possible explanations for the high death rate among abandoned children who arrive institutions; some were seriously ill, malnourished or suffering from congenital disabilities on arrival. However, other possible, preventabl causes could be the lack of resources for intensive medical care or simp daily medical treatment, including proper nutrition, or poor staff recru and training. Nevertheless, he welcomed the measures already taken by t Government, which included encouraging foreign adoption, raising funds t a lottery, financing minor surgery and training staff, in cooperation wi UNICEF.

22. He asked how the law on adoption could be changed to encourage peo adopt abandoned or disabled children. If, as at present, those willing adopt a child from an institution had to pay the cost of the child's tre in that institution, some potential adoptive parents would not be able t afford it.

23. The regulations on payment for surgical operations performed on ch living in child welfare institutes needed to be reviewed; as the institu had to pay those costs from their own limited budgets, decisions were no being taken on medical grounds alone.

24. He asked if any up-to-date statistics were available on the number children in institutions; the figure of 20,000 cited in the report seeme low for a country as large as China. It appeared that some children wer not in child welfare institutes, but in social welfare institutes, where mixed with adults, including mentally retarded adults; he did not think such a situation was in the best interests of children.

25. On the subject of Tibet, he asked for information on the whereabou situation of the Panchen Lama. Some people in Tibet felt that their rel freedom was not being respected. He asked if the Chinese Government wou accept a fact-finding visit from outsiders with a view to making constru suggestions on the problems in Tibet.

26. Mrs. SANTOS PAIS echoed the concerns expressed by Mr. Hammarberg on the fate of the Panchen Lama. She emphasized that the Convention was directed at the rights of the individual child, and thus applied also to that particular six-year-old child, whose best interests, fundamental rights and freedom from discrimination on the basis of religious belief it was intended to protect.

27. She suggested that the Government should use television to promote the Convention on the Rights of the Child and to help eradicate undesirable traditions. There was a discrepancy to be addressed between equality before the law and the lack of it in practice. For example, despite the Marriage Act, which itself discriminated between men and women, girls were still marrying and bearing children at an early age. Policies had to address reality, and if they were to do so, precise and comprehensive data were needed. Some specific examples of decisions taken by courts or details of complaints lodged by citizens on questions of the rights of the child would be appreciated. She asked if the constant use of the word "citizen" was of particular legal significance, and whether it had implications for issues such as registration or the administration of juvenile justice.

28. Mrs. BADRAN agreed with previous speakers that there was still discrimination against the girl child. What was needed was a comprehensive plan to classify data, review legislation and so on, as described in the Platform for Action of the Fourth World Conference on Women held in Beijing. All United Nations agencies had declared their readiness to help countries implement such measures.

29. On the question of the best interests of the child, she insisted that the child was the one who should decide what his or her own best interests were, not necessarily well-meaning adults who thought they knew better. However, children did need to be trained to participate in decisions which affected them.

30. She looked for progress in the treatment of handicapped children; generally speaking, a positive attitude to them was quite easily visible to a visitor to a country, in the form of wheelchair access to public buildings and so on.

31. Miss MASON, referring to paragraphs 19 and 285 of the report of China on the question of marriage, asked for details on the incidence of early marriage, especially among minority nationalities. The wealth of information on China in the media and supplied by non-governmental organizations indicated that the practices of marriage by purchase and exchange continued in parts of China and that in some minority communities about 80 per cent of marriages were unregistered and therefore not covered by the Marriage Act. What was the legal status of those marriages and of the children born of them? What measures did the Government intend to take, for example, through education, to prevent such "illegal" marriages? The same sources expressed constant concern at the policy of one child per family and reports that women were terminating their pregnancy if the unborn child was found to be female. Were those reports true and, if so, what was being done to prevent such discrimination against women and the girl child?

32. Finally, she asked whether children in China had access to the international media or foreign cultures, in accordance with article 29 (c) the Convention, and how children could institute legal proceedings against their family or institutions if they felt they had a grievance.

33. Mrs. KARP said that the Convention's advocacy of the right of childr participate in all aspects of society and express their views demanded not just that children should be trained to act in such a way, but that adults professionals working with children should be trained to develop participa attitudes in children.

34. It had been stated that there was no interference in the freedom of belief as such and that only religious practice was restricted. How could that approach be seen as consistent with the principle of the freedom of religion as a whole, in so far as religious practice was an intrinsic part many religions, as in Tibet for example?

35. She asked how the principle of non-discrimination provided for in Ch legislation translated into practice given the clear disparity between hea and education services in rural and urban areas.

36. Had the Government taken any steps to introduce obligatory and independent investigations of cases of children who died while in institutional care? Finally, had it also considered allocating additional budgetary resources to areas where indicators of progress in education and health were low?

37. Mrs. EUFEMIO said that although it had been stated that children born of wedlock were treated no differently from other children in the eyes of law, it was not clear what information about them was registered after bir or whether they suffered discrimination in society at large. Clarificatio was also needed as to why children were often not registered, and whether there were enough registration centres.

38. She also asked for further details on adoption, the right of the chil know his or her origins, the age at which the child could seek information the biological parents, and whether he or she could change the name given adoption. The report stated that children were protected by law. However that did not explain how children's treatment could be monitored within th family.

The meeting was suspended at 5.25 p.m. and resumed at 5.40 p.m.

39. Mr. WU Jianmin (China) referring to the question of the boy appointed the Dalai Lama as the reincarnation of the Panchen Lama, said that in May 1995, a statement had been issued declaring that the Dalai Lama had violated traditional practice by appointing the boy abroad. Since separat were seeking to kidnap the boy, the parents had become fearful for his saf and requested Government protection, which had been provided. The boy was living with his parents in good conditions.

40. Mr. LIU Xinsheng (China), replying to the questions on marriage, said that the two-year difference in the minimum legal marriageable age for men

women was not seen as discrimination in China. It was based on cultural factors and on the fact that girls matured at an earlier age. With regard to common-law marriages, provided couples met certain conditions, regarding age and income for example, they were afforded the same protection under the law as couples who were legally married. In the case of disputes in a common-law marriage which had produced children, the best interests of the child would be considered. Early marriages did take place in some remote areas of China, usually minority regions. There were also areas which had local regulations on marriage, although central Government tried to persuade young people to marry at the legal age laid down in the Marriage Act.

41. Following the Fourth World Conference on Women, a programme for women's development had been adopted in China and made provision for the protection of the children's rights and for their health and education.

42. Under the Adoption Act certain conditions had to be met by persons wishing to adopt a child, including a minimum age of 35 and an acceptable standard of living. Under article 8 of the Act, the usual requirements could be waived in the case of the adoption of orphans or abandoned or disabled children. Special regulations governed intercountry adoption to safeguard the interests of the child.

43. Ms. WANG Fenglan (China) said that China advocated the use of modern contraceptive methods so that abortions could be avoided. However, in cases where contraception had failed, women had the right to have the pregnancy terminated if they so desired. Abortions were voluntary and carried out in conditions that guaranteed the absolute safety of the health of the woman. Abortions on the grounds of the sex of the unborn child were prohibited under article 37 of the Mother and Infant Health Protection Act. Disciplinary measures, including the withdrawal of medical licences, were taken against doctors found guilty of performing such abortions.

44. Ms. ZHANG Honghong (China) said that the law required the registration of all citizens of the People's Republic of China, including illegitimate children. Within one month of the birth of a child, the head of the household, the guardian or a relative or neighbour had to apply for registration to the authorities responsible for their area, usually at local police stations. Some parents, however, did not fully understand government policy on registration and therefore failed to comply with the legal requirements. In those cases, neighbours could inform the authorities and the defaulting parents would be encouraged to register their child. In reply to the question on the naming of illegitimate children, she said that the name was chosen by the mother. When the child was registered, his or her first name, family name, place of birth and mother's name were recorded.

45. Mr. WU Jianmin (China), referring to the question on the imbalance between the numbers of male and female births in China, said that research had shown that the main reasons for the imbalance in the statistics were failure to register many baby girls in some areas, contrary to government policy, the performance of selective abortion. To combat the problem the Government had drawn up a four-point policy which included: a mass media campaign to promote the principle of equality between men and women; the implementation of

legislation and improvement of policies to protect the rights of women and children; the adoption of legislation prohibiting the detection of the sex of the unborn child, with corresponding sanctions for violation; and improvements in population statistics.

46. The CHAIRPERSON suggested that, in replying to the Committee's remaining questions, the delegation should try to concentrate on how legislation was working in practice on official and unofficial monitoring of its efficacity and, in particular, on how effective implementation was guaranteed.

The meeting rose at 6.05 p.m.